



## Metropolitan Transportation Authority

State of New York

September 23, 2020

***Via ECF***

Hon. Paul G. Gardaphe  
40 Foley Square, Courtroom 705  
New York, NY 10007

**Re: *Yourman v. MTA, et al., 20-CV-779 (PGG) (DCF) (pro se)*  
*Letter-Motion Regarding Failure to Prosecute***

Dear Judge Gardaphe:

I represent Defendants in the above-referenced action and write to follow up on the Court's Order dated July 27, 2020 (Dkt. No. 17).

In the July 27, 2020 Order, signed by Judge Freeman, the Court directed Plaintiff to file an amended complaint no later than August 14, 2020. The Court Clerk mailed the Order to Plaintiff the same day along with instructions regarding how he, as a *pro se* party, could file despite limitations caused by the pandemic (*see* Dkt. for 07/27/2020). That Order was intended to follow up on the Court's prior March 9, 2020 Order (Dkt. No. 5), which directed Plaintiff to file an amended complaint within 30 days of receiving information regarding John Doe defendants from the MTA. The MTA filed a document bearing that information on May 6, 2020 (Dkt. No. 10) and mailed it to Plaintiff on May 20, 2020 (Dkt. Nos. 11-12).<sup>1</sup>

To my knowledge, Plaintiff has failed to either file or serve any amended complaint since that time (now 40 days past the deadline), and has made no attempts to contact either myself or the Court. In light of this, Defendants respectfully request that the Court lay out a briefing schedule regarding a motion to dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). In the alternative, if the Court believes that full briefing would not help it decide this motion, Defendants request that the Court inform Defendants that briefing will not be necessary and simply decide the motion based on the procedural history of the case.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Barnes", written over a horizontal line.

Jason Douglas Barnes  
Assistant Associate Counsel  
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<sup>1</sup> The Affidavit of Service filed May 20 bears a typo stating that it was signed May 6, when in fact it was signed May 20, the day it was filed.